CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

IN THE UNITED STATES DISTRICT COURT MAY 0 4 2006 FOR THE WESTERN DISTRICT OF VIRGINIAJOHN F. CONCORAN, CLERK ROANOKE DIVISION BY:

MARK J. KONSAVICH, Petitioner,) Civil Action No. 7:06-cv-00272
v.) <u>FINAL ORDER</u>
UNITED STATES OF AMERICA, Respondent.) By: Hon. Glen E. Conrad) United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ORDERED

that the petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **DISMISSED** without prejudice as premature.

The Clerk is directed to strike the case from the active docket of the court and to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 3¹ day of May, 2006.

United States District Judge